

JEFFERSON COUNTY COMMISSIONERS
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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
January 19, 2010**

Present: Commissioners Lythgoe, Kirsch and Wortman; Bonnie Ramey, Clerk and Recorder; Harold Stepper, County Planner; Joe Carter, Road Supervisor; Tom Harrington, JLDC; Greg Corr, *Whitehall Ledger*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Eddie Smith, Robert Lane, Christopher & Meghan Kiser

APPOINT COMMISSIONER FROM SOUTHERN DISTRICT

Commissioner Lythgoe stated that he and Commissioner Kirsch did interviews for the Commission position on the previous Wednesday. They interviewed three candidates, and afterward decided to appoint Leonard Wortman to serve until the November election has been decided.

SWEARING IN OF NEW COMMISSIONER

Bonnie Ramey, Clerk and Recorder, swore in Leonard Wortman as the new Commissioner for the Southern District.

MINUTES

Commissioner Lythgoe moved to adopt the minutes of January 12. Commissioner Kirsch seconded. The motion carried.

REPORTS

Commissioner Lythgoe noted the receipt of the December cash report from the Treasurer's office.

CORRESPONDENCE

Commissioner Lythgoe noted that the Commission received an e-mail from Dennis Owens regarding Barbara Worthan's concerns regarding the name change to a portion of Lappy Lane. Dennis met with Barbara on site and they discussed signage options and he came forward with some recommendations which were discussed at the Road meeting that morning with Joe Carter the Road Supervisor. Joe will be contacting Barbara to hopefully bring this to a satisfactory resolution.

CALENDAR REVIEW

1/19 DUI Task Force - 6:00
Meeting with East Helena City Council - 6:30
Fire Council - Whitehall - 6:30
1/20 Meeting re: Divide Ride - 3:00
1/21 RMDC - Helena - 3:00
Weed Board - 6:00

COMMISSION REPORTS

MTAG

Commissioner Lythgoe reported that he was unable to attend the MTAG meeting. Tom Harrington stated that the mine is in care and maintenance status; there are about 12 employees. They are helping out with the Black Fox project up in Canada. Right now, they are in process of selling their 50% joint venture interest to Elkhorn Tunnels and that is being done through a letter of agreement to have that organization buy it.

COMMISSION INTERVIEWS

Commissioner Lythgoe reported held interviews on Wednesday for the vacant Commission seat. All of the candidates did very well.

TRI-CO FIRE

Commissioner Lythgoe reported that attended Tri-Co fire meeting on Thursday. There is a real concern in looking at the weather forecast for spring as it is supposed to be dry. Beetle kill trees are dropping branches, and they have been doing survey work. Some of the needle depth is 8 to 12 inches. Fire experts are very concerned with what is happening in the area. Safety is the major concern and they are talking evacuation plans.

ELKHORN WORKING GROUP

Commissioner Lythgoe reported that he attended the Elkhorn Working Group meeting on Thursday. They are working on developing a strategic operating plan.

JEFFERSON BROADBAND

Commissioner Kirsch reported that he attended a Jefferson Broadband meeting on the 12th. They are looking at budgets.

AREA IV ON AGING

Commissioner Kirsch reported that on Thursday he attended the Area IV on Aging meeting in Whitehall. They discussed what might happen with reduced budgets.

SUBDIVISION REVIEW

REQUEST TO LIFT AG COVENANT

Harold Stepper, County Planner, presented a request to lift the ag covenant on property owned by Christopher and Meghan Kiser. The Kisers purchased the property and wish to build a home on the property. Commissioner Lythgoe asked if the whole area is designated as ag property. Harold stated that just this piece was zoned ag. Commissioner Wortman asked if there is any particular reason for the zoning. Harold said that it seemed to be in vogue in the early 1980s to do this. Commissioner Kirsch asked the acreage of the property. Harold said that it is five acres. Discussion

Commissioner Kirsch moved to adopt Resolution 4-2010, lifting the ag covenant on the Kiser property. Commissioner Wortman seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

SET COMPENSATION FOR SURVEYOR DUTIES

Commissioner Lythgoe stated that he and Commissioner Kirsch met with Bonnie regarding this, after the Commission decided to combine the County Surveyor duties with the Clerk and Recorder duties. Set for \$2,000 per calendar year, but this will be revisited at the Salary Compensation Committee meeting this spring.

Commissioner Kirsch moved to compensate Bonnie Ramey \$2,000 for the County Surveyor duties. Commissioner Wortman seconded. The motion carried.

ELECT VICE-CHAIR OF THE COMMISSION

Commissioner Lythgoe called for nominations. Commissioner Wortman nominated Commissioner Kirsch. All were in favor of the nomination.

DISCUSS AND DECIDE ON EARMARKING METAL MINES MONIES TO VETERAN'S CONTINGENCY FUND

Tom Harrington stated that he is in attendance in place of Larrey Lattin, regarding siting of the proposed Veteran's Home. Boulder is a central location for all counties involved. A public meeting held last week had 56 in attendance, all in favor of siting the home in Boulder.

They are looking for added enticements for the selection committee and asked what Jefferson County can offer. We have the metal mines funds available for grants and loans, geared towards economic development. They are asking that the Commission develop a contingency fund for

the veteran's that would be coming to the home.

Commissioner Lythgoe asked if they have developed an amount. Tom stated that they have kicked around some various figures, \$25,000, \$35,000, but have developed nothing firm. It could be done over an annual allocation, a lump sum or set up as a trust fund and just the interest be used. The main thing is to have something in place as an added enticement for the committee.

Commissioner Wortman asked if the interest from a \$25,000 fund would be enough to keep it going. Tom said that an account of that amount would gain \$400 to \$650 a year in interest.

Commissioner Lythgoe stated that he would agree to an earmark; he doesn't feel that it needs to be tied to a specific fund at this time. Commissioner Lythgoe moved to establish an earmark of \$25,000, source to be determined, for the veteran's contingency fund, if the veteran's home is located in Boulder. Commissioner Kirsch seconded. Commissioner Wortman stated that if the build doesn't start until 2012, they won't need the money until probably 2014; he asked if they should put in a bit at a time up to that point. Commissioner Lythgoe stated that \$25,000 seems a good amount to establish fund. Tom stated that they just need a letter to add to the proposal package that a fund will be set up.

The motion carried.

KEN BROWN – WESTERN COUNTIES ALLIANCE – PUBLIC LANDS ISSUE UPDATE

Ken Brown, Western Counties Alliance, spoke to the Commission via phone. Full funding of PILT expires the end of 2012. They are starting to work now to have full funding extended. If this is not extended, Jefferson County will lose \$381,247.00. Commissioner Lythgoe stated that the Commission is aware of this.

Ken said that SRS program has been reauthorized through 2011. They are working preliminarily to have the program established on a permanent basis, or at least extended. If reauthorization doesn't take place, it will revert back to the 25% forest receipts, which will be substantially less than what Jefferson County will be receiving. Trying to drum up all of the support they can find to get these two programs funded on a permanent basis.

Commissioner Kirsch asked about the wilderness bill, and if counties that have land change to wilderness would lose PILT on those acres. Ken said that they would, unless there is a provision otherwise.

Ken said that the western states wilderness bill, known as the Northern Rockies Ecosystem Protection Act, is HR980. Commissioner Lythgoe said that the bill that Commissioner Kirsch mentioned is just for Montana, so he is not sure that it is a part of the big bill, but they would be interested to know if any Montana land is included in the big bill. They discussed Tester's bill. Commissioner Lythgoe stated that it is being touted as a partnership bill. Tester putting forth as a jobs bill and something that is going to help the timber industry get back on its feet in Montana, but a huge component is 600,000 acres of new wilderness. Not sure if, as written, the timber industry would see any benefit because the environmental groups that oppose timber harvest haven't signed on, so they would probably be facing the same hurdles to timber harvest.

70 – 75% of Jefferson County is under federal control – full funding for PILT and SRS is hugely important to us.

Ken stated that they are also working in opposition of HR699, a revision of mining law, particularly point a finger at hard rock mining.

DISCUSS AND DECIDE ON DYKE REPAIR – MERIDIAN BRIDGE

Robert Lane from Three Forks stated that this location is just west of Willow Creek. He talked with Joe Carter a couple weeks ago and he wants to come out and look at the area. The dyke was built in the 50s. In the 60s had some high water and the Army Corps of Engineers came in and rebuilt it. At that time they turned it over to the three counties – Jefferson, Broadwater and Gallatin to maintain. The reason they participated is that the natural flow of the ground to the north and that is the way that the river is trying to cut in. If allowed to do that, it would bypass Meridian Bridge. They have probably had to work on the dyke four times since then. The last time, the counties decided to have a construction company in to do the work. In the past his family has furnished the rock and some equipment and the counties have contributed equipment. His son has talked to the Commission in Gallatin County and they are in favor of helping again. Robert said that not as much work required this time as there has been in the past. He had a local contractor come in to give him an estimate of what would be required. He estimated that it would take about 400 yards of fill to bring the dyke back up to grade and probably the same amount of rock. Robert said that he is assuming \$6/yard to get the rock broken out and \$4-5/yard to get it hauled. Joe hasn't had a chance to come down and look at it yet as he was out of town.

Commissioner Lythgoe asked if all three counties participated in the past. Robert stated that Broadwater didn't the last time, but they did in the past.

Commissioner Lythgoe asked Robert if he has any cost estimates. Robert said that it would probably take 400 yards of rock - \$4,000, plus whatever equipment, and that many yards of backfill. He noted that there is an old quarry 1.5 miles away that they could probably use to get backfill.

Commissioner Wortman asked if anyone has talked to the Corps of Engineers to get design specs. Robert said that the Corps has pretty much washed their hands of it. The times that they have worked on the dyke in the past have applied for a 310 permit, which would require that all guidelines are met.

Commissioner Lythgoe asked how long it has been since the last fix. Robert said that it has been four or five years. Commissioner Wortman stated that he would like to see some engineering that would allow this to last longer than five years.

Commissioner Kirsch asked the location of the dyke. Robert stated that it ends right at his property line and goes up the river nearly a mile. He stated in 1948/49 they had a bad winter with a lot of snow; even Three Forks was flooded on the north side of time. The ranch owner at the time spent a fortune putting the dyke in.

Joe Carter stated that he did talk to Mr. Lane and he would like to take a look at the area with the

Commissioner from the district. He would also like the County Attorney to look over the MOUs to make sure that they are legit and that we are following what they say. Commissioner Lythgoe said that Commissioner Wortman had a good idea; he thinks that they should take someone from Great West along when they view the area. Joe suggested that the Commission table this until after he and Commissioner Wortman have a chance to view the area.

Commissioner Lythgoe stated that they are very interested in dealing with the problem and will spend a bit more time researching this. He asked if there is anyone from the state that could be pulled in, noting that the governor has a special fund that may be available.

Commissioner Kirsch moved to adjourn. Commissioner Wortman seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

TOMAS E. LYTHGOE, CHAIR

DAVE KIRSCH, COMMISSIONER

LEONARD WORTMAN, COMMISSIONER